REMARKS

The claims remaining in the present application are Claims 1-22. The Examiner is thanked for performing a thorough search. Claim 22 has been cancelled. Claims 3, 4, 7, 9, 10, 11, 14 and 18 have been amended. No new matter has been added.

CLAIM OBJECTIONS

In paragraph 1, the Office Action objected to Claim 22 being a substantial duplicate of Claim 21. Claim 22 has been cancelled. Therefore, Applicant believes that this objection has been addressed.

CLAIM REJECTIONS
35 U.S.C. §112

Claim 3, 4, 7, 11 and 14

In paragraphs 2-7, the Office Action rejected Claims 3, 4, 7, 11 and 14 for insufficient antecedent basis. Claims 3, 4, 7, 11 and 14 have been amended. Therefore, Applicant believes that these rejections have been overcome.

35 U.S.C. §102

Claims 1-23

Claims 1-23 are rejected under 35 U.S.C. §102(a) as being anticipated by U.S. Patent No. 6,799,157 by Kudo et al. (referred to hereinafter as "Kudo"). Applicant respectfully submits that embodiments of the present invention are neither taught nor suggested by Yui.

Independent Claim 1 recites,

An electronic processing boot up system comprising:
a bus for communicating information;
a processor coupled to said bus, said processor for processing said information; and
a read only memory (ROM) emulation system coupled to said bus, said read only memory (ROM) emulation system for making boot up information available to said processor.

Applicant respectfully submits that Kudo does not teach or suggest, among other things, "An electronic processing boot up system comprising: a bus ... and a read only memory (ROM) emulation system coupled to said bus...," as recited by Claim 1. For example, the Office Action asserts that Kudo's cpu bus 22 teaches Claim 1's bus and that Kudo's emulation memory 32 teaches Claim 1's read only memory (ROM) emulation system. However, Kudo's emulation memory 32 is not coupled to Kudo's cpu bus 22.

According to the Federal Circuit, "[a]nticpation requires the disclosure in a single prior art reference of each claim under consideration" (W.L. Gore & Assocs. v. Garlock Inc., 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983)). However, it is not sufficient that the reference recite all the claimed elements. As stated by the Federal Circuit, the prior art reference must disclose each element of the claimed invention "arranged as in the claims" (emphasis added; Lindermann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984)). Since Kudo's emulation memory 32 is not coupled to Kudo's cpu bus 22, Kudo does not disclose each element arranged as in Claim 1. Therefore, Claim 1 should be patentable over Kudo. Independent Claim 18 should be patentable over Kudo for similar reasons that Claim 1 should be patentable over Kudo.

Independent Claim 8 recites,

An electronic processing boot up method comprising:
    initiating an initial memory fetch;
    performing a read only memory (ROM) emulation process; and
    passing control to an operating system.

Applicant respectfully submits that no where does Kudo recite, among other things "passing control to an operating system," as recited by Claim 8. Further, the Office Action did not point out any portion of Kudo that teaches "passing control to an operating system." Therefore, Claim 8 should be patentable over Kudo.

Claims 2-7 depend on Claim 1. Claims 9-17 depend on Claim 8. Claims 19-23 depend on Claim 18. These dependent claims include all of the limitations of their respective independent claims. Further, these dependent claims include additional limitations which further make them patentable. For example, the Office Action asserts that Kudo's external memory 30 teaches a "NAND flash memory," as recited by Claim 2. However, Kudo's element 30 is always referred to as only "external memory." Further, since Kudo does not teach or suggest "NAND flash memory" Kudo cannot teach "a controller component for generating commands for retrieving boot up information from said NAND flash and forwarding said boot up information to said processor," as recited by Claim 2. For similar reasons Kudo does not teach or Claims 12 and 19.

In a second example, the Office Action asserts that Kudo teaches Claim 4 at Figure 3 and Col. 7 line 49. Kudo teaches at Col. 7 line 49 to Col. 8 line 20 a way of switching between fetching instructions from the internal ROM 16 and fetching instructions from the external emulation memory 32. In contrast, Claim 4 recites "a state machine for holding off said processor while assembling an instruction stream on the fly for retrieving said boot up information from said NAND flash memory and sending said boot up information to said processor." In a third example, Kudo cannot teach Claim 5 because Kudo does not teach Claim 4 from which Claim 5 depends.

In a fourth example, the Office Action asserts that Kudo teaches Claim 7 at Figure 6 and the related discussion. To the best of Applicant's knowledge, Kudo describes Figure 6 from Col. 11 line 62 to Col. 12 line 24. Kudo states at Col. 11 lines 63-65, "A mode used when the terminal MT is '01', which will be referred to OTP (OneTimeProm) mode, will now be described in detail with reference to FIG. 6." No where in Col. 11 line 62 to Col. 12 line 24 does Kudo appear to teach a joint task action group (JTAG) port. Applicant requests that the next Office Action more specifically point out where the Examiner believes a JTAG port is taught.

In a fifth example, the Office Action states "Inherently, handshake packets are used to perform a ready handshake after transfer of a data or control packet to acknowledge successful receipt or indicate unsuccessful receipt." However, this is a 102 rejection and the Federal Circuit has ruled that a prior art reference must disclose each element of the claimed invention "arranged as in the claims."

In a sixth example, the Office Action states "Inherently, bad pages of a NAND flash memory are marked and skipped when copying information." However, this is a 102 rejection and the Federal Circuit has ruled that a prior art reference must disclose each element of the claimed invention "arranged as in the claims." Therefore, the dependent claims 2-7, 9-17 and 19-23 should be patentable for at least the reasons that their respective independent claims should be patentable.

CONCLUSION

In light of the above listed amendments and remarks, reconsideration of the rejected claims is requested. Based on the arguments and amendments presented above, it is respectfully submitted that Claims 1-23 overcome the rejections of record. For reasons discussed herein, Applicant respectfully requests that Claims 1-23 be considered be the Examiner. Therefore, allowance of Claims 1-23 is respectfully solicited.

Should the Examiner have a question regarding the instant amendment and response, the Applicant invites the Examiner to contact the Applicant's undersigned representative at the below listed telephone number.

Respectfully submitted,

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